IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.221 OF 2006

Shri Ramesh Devchandji Patel ...Applicant.
V/s.
The State of Maharashtra & Anr. ...Respondents.

Mr.K.U.Singh for Applicant.
Mrs.M.M.Deshmukh, A.P.P.for Respondent/State.

CORAM: D.B.BHOSALE, J.
DATE : 28th June, 2006.

P.C.:

1. Heard the learned counsel for the Parties.

2. **Rule.** By consent, taken up for final hearing.

3. It appears that notice of respondent no.1 returned unserved with the endorsement "left" and now his whereabouts are not known. The Respondent No.1 seems to have lost interest in the matter since he has already received entire amount of cheque that was deposited by the Applicant in the Trial Court. Observations to that effect are reflected in paragraph 8 of the impugned judgment.

4. The Applicant was convicted for the offence punishable under Section 138 of the Negotiable Instruments Act and was sentenced to suffer S.I. for a period of six months and to pay a compensation of Rs.2 lakhs. That

order was confirmed by the Sessions Court.

5. The learned counsel for the Applicant submits that the Applicant has already undergone five months' imprisonment and he has instructions not to press this Revision Application on merits and the Applicant will be satisfied if the sentence is reduced to undergone.

6. The learned A.P.P. does not raise any objection to the prayer made by the learned counsel for the Applicant.

7. In the circumstances, without entering into the merits of the case, I am satisfied that the sentence deserves to be reduced to undergone in view of the fact that the amount of compensation has already been made over to the complainant and hence, following order:

ORDER

a. Revision is partly allowed.

b. Order of conviction under Section 138 of the Negotiable Instruments Act is confirmed. However, the sentence of six months is reduced to the period which the Applicant/accused has already undergone. Rest of the

order is maintained.

c. The Applicant/accused may be set at liberty forthwith, if not required in any other case.

d. The Revision Application is accordingly disposed of.

(D.B.BHOSALE, J.)